

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TENNESSEE

U.S.A. vs. RICKEY R. STEWART

Docket No. 2:04CR20112-08

Petition on Probation and Supervised Release

COMES NOW NICOLE D. PETERSON, PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Rickey R Stewart who was placed on supervision by the Honorable Jon Phipps McCalla sitting in the Court at Memphis, TN, on the 3rd day of August, 2004, who fixed the period of supervision at two (2) years, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

1. The defendant shall make full financial disclosure to the Probation Office.
2. The defendant shall not acquire any new financial obligations without the approval of the Probation Office and third party risk notification.
3. The defendant shall submit to substance abuse and mental health testing and substance abuse and mental health programs as directed by the Probation Office.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

SEE ATTACHED

PRAYING THAT THE COURT WILL ORDER that a **WARRANT** be issued for Rickey R. Stewart to appear before the Court to answer charges of Probation violation.

BOND: Retain

ORDER OF COURT

Considered and ordered this 6 day of Jan, 2006 and ordered filed and made a part of the records in the above case.

Jon P. McCalla
United States District Judge

I declare under penalty of perjury that the Foregoing is true and correct

Executed
on DECEMBER 21, 2005

Nicole Peterson
U. S. Probation Officer

Place MEMPHIS TN

RE: Rickey R. Stewart
Docket Number 2:04CR20112-08
Page 2

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant has violated the following conditions of his Probation:

The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician, and shall submit to periodic urinalysis tests as directed by the probation officer to determine the use of any controlled substance.

Mr. Stewart tested positive for cocaine on March 29 and August 1, 2005.

On January 18, 2005, Mr. Stewart signed a voluntary admission indicating that he had used cocaine on January 9, 2005. On August 20, 2005, Mr. Stewart signed a voluntary admission indicating that he had used cocaine on August 19, 2005.

Mr. Stewart failed to submit to drug testing as directed in the Probation Office on October 12, 2004, November 9, 2004, and July 7, 2005. On September 22, 2005, Mr. Stewart was directed to begin participating in random drug screening via code a phone. Since that time, he has failed to submit to eight (8) drug tests in the U. S. Probation Office as directed.

The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Mr. Stewart has failed to report for seven (7) office visits as directed by the this officer.

The defendant shall participate in mental health/drug treatment as directed by the probation office.

On September 7, 2004, Mr. Stewart was referred to Comprehensive Counseling Network. On November 24, 2004, this officer received a Notification of Non-Compliance from Shirley McGowan of the Comprehensive Counseling Network indicating that Mr. Stewart reported to her agency on November 9, 2004 for an intake and refused all services but medication clinic. Mr. Stewart has not been prescribed any psychotropic medication as he refused to submit to a urinalysis the day of his intake. Mr. Stewart was scheduled for a follow-up appointment on November 17, 2004, but failed to report for that appointment. His file has been closed at this agency due to noncompliance.

On March 29, 2005, Mr. Stewart was referred to Foundations Associates for his mental health and substance abuse counseling needs. On October 26, 2005, this officer received notification that Mr. Stewart had been discharged from Foundations Associates due to noncompliance. The discharge was based on the fact that Mr. Stewart missed or rescheduled numerous appointments, failed to comply with treatment objectives, and tested positive for cocaine on August 1, 2005.